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## Why Ch 61?

### The Importance of Open Space, by Jennifer Fish

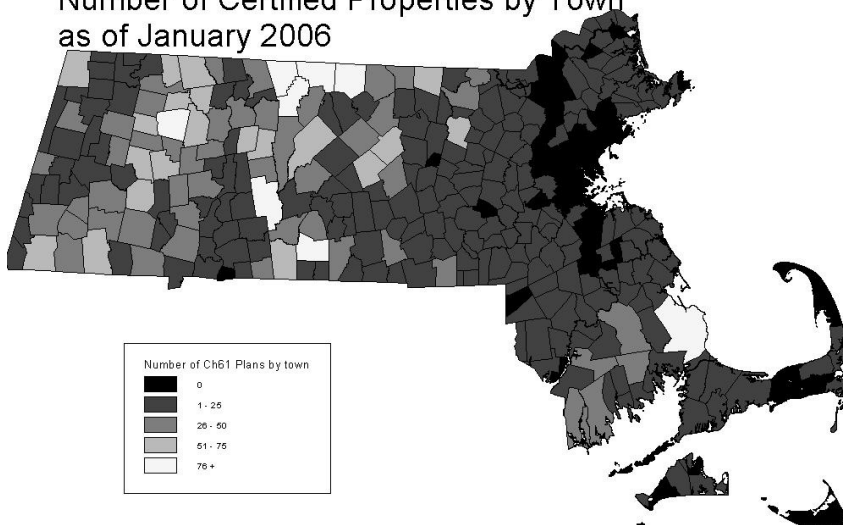
Massachusetts is the 8<sup>th</sup> most densely forested state in the nation, with so many trees around us it can be easy to take for granted what our forests provide; clean water and air, wildlife habitat, forest products to build our houses, a quiet place of solitude. It is private individuals like you who own these forests. Almost 75% of our forestland is owned by non-industrial private landowners, which includes 212,000 families or individuals.

**As land values continue to skyrocket** it becomes more difficult to afford to hold onto our land.

The Chapter 61 Current Use Tax law (Ch 61) was written in 1932 and taxes forestland based on its current use rather than full and fair market value “ad valorem”. It is designed to give favorable tax treatment to a landowner willing to keep forested land undeveloped and manage that land under a long-term strategy. As of January 2006 nearly 6,000 landowners were enrolled in Ch 61 with nearly 340,000 acres certified.

By maintaining our forestland we help preserve the habitat of the animals that live in our forests; at least 106 of which are threatened or endangered. Through long-term management we help supply high quality timber products that build our homes and schools as well as support local jobs that contribute to the local tax base. In part it is our forests, which are natural filters, that allow our communities to have surface water supplies with little filtration needed – a huge cost savings. In addition by maintaining open space a lower burden is placed on the local tax base. Numerous cost-of-community service studies have been conducted (at least 10 in Massachusetts) which show that communities benefit from open space as compared to residential housing. 

Number of Certified Properties by Town  
as of January 2006



## Green Certification of Private Lands

Smartwood to Look at Ch 61 and Stewardship, by Jennifer Fish

The Bureau of Forestry and the Executive Office of Environmental Affairs (EOEA) are considering “green certification” for Massachusetts private forest lands that are classified under Ch 61, 61A or Forest Stewardship.

**What is FSC “Green Certification?”** The Forest Stewardship Council (FSC) is an international group that promotes environmental management of the world’s forests. Green certification evolved from the certified organic agricultural programs and involves a system of third party auditing to ensure sustainable forest management practices. Forest products harvested under an FSC certificate can carry the FSC logo. When a consumer buys lumber or other products with the FSC logo they can be assured the wood was harvested in a sustainable manner.

SmartWood is an independent certifier accredited by FSC, and will evaluate Ch61 and Forest Stewardship lands to determine whether properties enrolled in these programs will qualify for green certification. The assessment process will take place in May and June of this year and will include 30-60 properties randomly chosen for evaluation. Landowners will be contacted if their property is chosen and may choose to participate or not. Landowners may also be contacted by SmartWood asking

their views of the Ch 61 program or can attend a public meeting to give input.

After the assessment process the Bureau of Forestry will be given a report summarizing SmartWood’s findings. If in sufficient compliance with FSC standards, green certification status can be awarded. All landowners enrolled in Ch 61 and Forest Stewardship will be given the opportunity to choose to participate in green certification.

The rationale for seeking green certification on private lands is to provide recognition of the good stewardship, assurance that private lands are being managed with a long-term view, to gain independent recommendations on how DCR can improve its administration of the program, and to give consumers the opportunity to purchase native, sustainably grown wood products. If successful, Massachusetts would be the first state to have its Current Use lands receive FSC green certification.

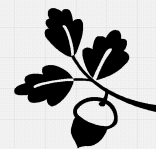
More information about FSC can be obtained at

<http://fsc.org/fsc>. 



### Policy

### Updates



**Who can prepare a Ch61 plan?:** Periodically the question arises, who can prepare a Ch61 plan? It is DCR’s policy that all Ch 61, Ch 61A and Forest Stewardship plans be prepared by a licensed professional forester; also, any subsequent forest cutting plans must be prepared by a licensed forester. For a list of foresters go to <http://www.mass.gov/dcr/> As the landowner you do have the right to prepare these documents, however, they do require technical knowledge; therefore you are encouraged to call your service forester before beginning.

### Deadlines for filing:

A reminder to those whose Ch 61 plans are due for recertification that the deadline for submitting them to DCR is June 30 at 5 p.m.

## Senator Resor Convenes Working Group to Improve Ch 61 Laws, by Bob O'Connor

Last December, Senator Pam Resor, Chair of the Committee on Environment, Natural Resources and Agriculture, convened a working group to find ways to improve the current Ch61 amendment bill that has been pending in the legislature for the past several years. The charge of the group was to find ways to make the Chapter programs more simple and landowner-friendly in order to increase classification of forestland in the programs and extend the length of participation in the programs. The work group consisted of landowners as well as representatives from forester and farm organizations, assessor and municipal organizations, land trusts and conservation organizations, and state agencies (Revenue, Forestry and Agriculture). The group also used the recommendations of a recent meeting of 35 forestry leaders (Forest Forum) to guide their work. After a series of meetings and hard work, the group agreed to the following proposals for legislation but they have not yet been submitted to the legislature.

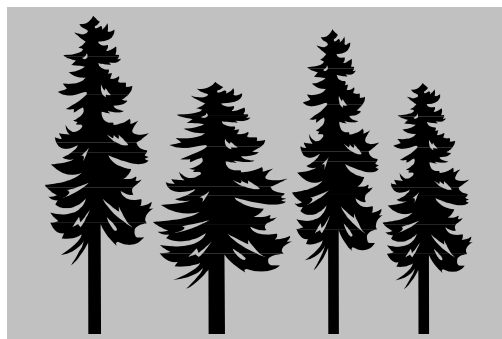
**The group agreed to make Ch61 more like Ch61A** and have proposed the following changes:

- The administration fee and the stumpage tax would be dropped from Ch 61.
- Rather than reducing the tax on Ch 61 land by 95%, forestland would instead be taxed on its value for forestry (a similar method used for Ch 61A farm land). This will lighten the tax burden in high growth towns and create a fair assessment throughout the state.
- The interest rate for roll back taxes in Ch 61 and 61B would be reduced to a flat rate of 5% and the maximum payback period would be

reduced to 5 years (similar to Ch 61A). Landowners whose forestland is currently classified under Ch. 61A would continue to have no interest charged on roll back taxes if they leave the program.

- A tax credit on the state income tax is proposed for the full cost of a forest management plan (for new classifications or those recertifying in Ch 61 or Ch 61A).
- The Right of First Refusal timeframe would be set at 12 months after the landowner leaves the program (reduced from two years in the current amendment legislation) if they propose to develop the property.
- Transferring among the three Chapter 61 programs could be done without penalties and roll back taxes would be due after leaving the program only when land use is inconsistent with the three Chapter programs.

Senator Resor's staff plans to submit the substitute language later this spring. No changes will occur in the Chapter 61 programs until this amendment is actually signed into law. ☞



## The Broader Forestry Community

**ACORN (A CoOperative Resource Network)** is an interactive website designed for landowners and others interested in forests in the Westfield and Deerfield River Watersheds in Western Massachusetts. It is being developed by the University of Massachusetts with the support of the Bureau and is funded by the National Research Initiative of the USDA Cooperative State Research, Education and Extension Service.

### The goal of MassACORN is to:

- Provide private forest owners with information about their land, their surrounding landscape and community
- Engage private forest owners who are not currently engaged in “traditional” forestry programs with their property
- Aid forest owners in making informed decisions about their woods
- Connect them to the larger conservation network
- Foster information sharing among private forest owners

For more information visit MassACORN at <http://www.massacorn.net/>

. The website is currently under construction with an estimated launch date of July 2006.

### Massachusetts Bioenergy Supply Development Initiative, by Gordon Boyce

The Commonwealth of Massachusetts has identified Bioenergy as a renewable energy source with tremendous potential in Massachusetts due to the state’s 3 million acres of underutilized forestland.

Massachusetts has received funding through a grant from the U.S. Department of Energy and Massachusetts Technology Collaborative.

Among other things, the grant provides for:

- Analysis of the regional economic impact of bioenergy development
- Assessing state-owned forestland and target acreage for bioenergy management
- Establishing model forestry operation for outreach to industry and private landowners
- Developing a strategic plan for establishing supply infrastructure and markets activities
- Producing outreach information on bioenergy to address public concerns
- Researching bioenergy harvesting impacts on forest health
- Developing industry-training programs on optimal forestry practices and equipment procurement incentives.

### For more information contact:

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James W. Soper, Program Supervisor, Service Forestry  
(413) 545-5746

<http://www.mass.gov/dcr/stewardship/forestry/index.htm>

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